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Spaces of Abandonment: Genealogies, Lives and Critical Horizons

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**Spaces of Abandonment:
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Keywords: Abandonment; genealogy; biopolitics, materialism, Israel-Palestine

Abstract

Abandonment has a long presence in Western cultural, philosophical and legal canon, though most contemporary critical debates focus on its sovereign and juridico-political functions. This article considers the concept of abandonment through its more nuanced and multidimensional appearances: at once a political technology and a material economy, a juridical category and a sphere of intimacy. Following the longer conceptual history of abandonment, from its Greco-Roman sources to the present, the article sheds light on abandonment as a systemic political technology, its evolution and significance in different social and political contexts. Drawing on notions of abandonment that remain outside Western intellectual corpus—primarily in early Jewish jurisprudence—this article seeks a more nuanced and expansive understanding of this concept. Closely reading a case documenting the fatal abandonment of one Palestinian man in 2008, the article highlights a myriad of agents, materialities, relations and infrastructures that join in the production and perpetuation of the abandoned present.

Introduction

From the banishment of Adam and Eve from Eden to the clichéd photographic portrayals of twenty first-century Detroit, abandonment appears as a central trope in Western cultural corpus. However, beyond its cultural resonance, there is much more at stake when abandonment is considered as a complex political technology. Addressing this challenge, this paper interrogates the paradigms through which abandonment becomes analytically and politically productive. It follows two genealogical strands that have informed the introduction of abandonment into social and political analysis, and points to the limits of these conventional traditions of investigation. At its core is an effort to rethink a theory of abandonment that rigorously draws on the more familiar conceptualizations as well as genealogies that have gained much less attention in critical discourse. By invoking a different vocabulary of abandonment, this article aims to expand the intellectual corpus through which

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3 abandonment gains its critical import and the conceptual frameworks available to future,
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5 expanded interrogations of this pervasive phenomenon.
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9 The political urgency of this endeavour seems self-evident. Abandonment has become a
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11 structural component of the neoliberal state that sees the dismantling of the protections and
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13 defences against the rigours, vagaries, demands and inequities of the market and the powers
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15 of capital. The changing relationships between economy, society and the state to the greater
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17 advantage of capital in its global and local forms increasingly produces a disenfranchised
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19 citizenry and even more precarious non-citizens. In parallel, the dynamic of calculated
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21 withdrawal of protections and the exposure of lives to the unrestrained force of law is now
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23 widely seen as a hallmark of sovereign power in the colonial present. In addition to
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25 describing a condition of precarity and vulnerability, abandonment functions as a technology
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27 of sovereign rule, governing the differential application of violence over subject populations.
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29 As an outcome of the political project of late liberalism, abandonment draws attention to the
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31 material economies that surround us, to structures and infrastructures. As a biopolitical
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33 construct, it illuminates the margins of late-modern juridico-politics, where sovereign
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35 protections are withdrawn, leaving life exposed to necropolitical violence (Mbembe, 2003;
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37 Ophir, 2007). Abandonment goes to the very heart of contemporary modalities of power, its
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39 inherent disenfranchisements and modes of violence.
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46 A close reading of some of the key texts informing particular genealogies demonstrates the
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48 inherent relation rather than the supposed distinction between these genealogies and others
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50 less commonly discussed in contemporary debates. What is proposed here builds on these
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52 overlaps and considers the concept of abandonment through its more nuanced and
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54 multidimensional appearances: at once a political technology and a material economy, a
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56 juridical category and a sphere of intimacy. As will be discussed throughout this paper, this is
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not an attempt to radically reframe abandonment, but to unearth its core functions as a critical force found in and across seemingly distinct spheres of action and experience.

The second problem I address regards the political reanimation of abandonment. In both its biopolitical and economic articulations, abandonment is seen to function either as an action or an outcome. It directs attention to those able to apply it and those subjected to it, and formulates a stark discrepancy of power between them. The argument here moves beyond these designations and their related assumptions of victimhood and perpetration of harm to the conceptualization of abandonment as a systemic political technology. Drawing on notions of abandonment that remain outside Western intellectual corpus—primarily in early Jewish jurisprudence—this article sets out a more nuanced and expansive understanding of abandonment, one which remains attentive to a myriad of agents, materialities, relations and infrastructures that join in its production.

I hope to set out the initial contours of a theory of abandonment that builds on these genealogies, but does not confine itself to them. As I illustrate, the critical task at hand is to confront more than a genealogical lacuna: It is to come to terms with the components that participate in, enable and perpetuate the abandoned present.

Abandonment: a genealogy

From its very early appearances, abandonment emerges as a bio-political technology par excellence. On the face of it, little relates abandonment with a modality of power that is guided by an effort to exert “a positive influence on life, [and] endeavours to administer, optimize, and multiply it” (Foucault, 1978, page 137). But abandonment’s relation to bio-politics, the distribution of the living in the domain of value and utility, predates its more familiar association with modernity and governmental rationality since the 18th century. This

longer history of abandonment illuminates its pervasiveness as a political instrument and highlights particular facets that suggest its ongoing critical potential.

The origins of abandonment are often traced to the Roman legal category of *expositio*, which designated an abdication of a family's responsibility toward a child (Boswell, 1984). In a detailed genealogy of biopolitics, Ojakangas (2012) notes that abandonment through exposure was well established in Greco-Roman policies of eugenics. In *Politics*, for example, Aristotle argues for a law that would permit infanticide of any child born with deformities: "As to exposing or rearing the children born, let there be a law that no deformed child shall be reared; but on the ground of number of children, if the regular customs hinder any of those born being exposed, there must be a limit fixed to the procreation of offspring" (Aristotle, 1944, 7.1335b). It is important to note that late Roman sources recognize that often, abandoned children did not die but were rather enslaved or used for prostitution (see also Boswell, 1998; Ojakangas, 2012, page 6). This dark economy of abandonment that transforms bodies into commodities, highlights the slippage between *expositio*—the abandonment of life—and *derelictio*, a parallel category that designated the abdication of claims over material property (Berger 1953, page 433). This slippage can be traced back to some of the oldest provisions of the Roman criminal law: the designation of *homo sacer* through the stipulation *sacer esto*, was applied not only to the life and body of the condemned individual (*sacratio capitis*) but also to their property (*sacratio bonorum*) (Berger, 1953; Muirhead, 2009).

At the same time, even in early sources of abandonment it is possible to identify the potentialities of emancipation and recuperation of agency. This was the case, for example, with Claudius' edict from 47AD, which considered the abandonment of sick slaves. Against common legal norms, Claudius refers to this act through the category applied to abandoned

children (*exponere*) rather than the one used to signify the abdication of property claims (*derelinquere*). Semantics matters here because this shift enables the edict to declare the abandoned slaves as free, rather than simply ownerless property that can be reclaimed again (Major, 1993). Beyond this emancipatory potential, this edict also exposes a different motivation for abandonment: the precise term it uses is *taedio medendi*, meaning ‘loss of interest in caring [for]’ (Major 1993, page 159) the abandoned slave. Behind the legal terminology one identifies a radical form of *abandonment-without-care*, an intentional relinquishment of pastoral pretence, utilitarian investment or psychic interest. This is a form of abandonment that is set apart in both its motivations and consequences from the bio-political traditions I cite above.

By the fourth century, Christian theology, law, and councilar canons all provide abundant testimony that abandonment remained widespread despite immense political and cultural transformations. However, while Greco-Roman bio-politics considered exposure of children as a form of eugenics harnessed for societal betterment, Christian rationalization of abandonment highlights instead the pragmatic socioeconomic forces that drive it. In his *Hexaemeron*, St. Basil of Caesarea differentiates between the middle class who may abandon children and are therefore guilty of murder, and those who are forced by poverty to abandon their children, “conquered by necessity and inexorable need” (quoted in Boswell, 1998, page 165). Moreover, rather than penalize abandonment, the Church increasingly sought to institutionalize and regulate it: Oblation, for example, emerged in early medieval times and enabled mostly poor parents to abdicate responsibility over children by abandoning them to monastic service (Boswell, 1984). It is at this moment that abandonment assumes the more familiar logic of pastoral care that was so central to Foucault’s (2000, 2007) genealogy of bio-power and the governmental rationality of the modern state. Indeed, the regimentation of

the lives of those abandoned through oblation resembles some of Foucault's most recognizable disciplinary institutions:

Confined irrevocably to a life of religious discipline, the child could never legally own property, leave the community, or marry. His diet, drink, education, labour and occupation were determined by his superiors in the community. [...] The oblate, by universal social consensus, was consigned irrevocably to a life of poverty, obedience and celibacy. (Boswell, 1998, pages 241–42)

Through its institutionalization in the fourth century, abandonment is routinized and embedded into the minute details of life, while at the same time made indefinite and irrevocable, folded into the core virtues that constitute the moral fabric of Christianity. Although Greco-Roman forms of *expositio* were already related to political logics and social relations, the institutions of the Church absorbed abandonment into an integral part of its elaborate art of governance (a broader process discussed at length in Foucault, 2007, pages 164–65), thus simultaneously normalizing it and making its effects ever more pervasive.

Roger Salerno notes that in fourteenth-century England, the typical use of abandonment stressed its material and practical application to property and insurance law. The enclosure policies of the time forced tens of thousands of farming families from commonly open lands. Abandonment denoted an alienation of property and corresponding homelessness. It also produced new forms of separation, when children of this new labouring class were frequently sold into servitude for several years and women were left behind while their husbands migrated in search of work (Salerno, 2003). The radical reorganization of spatial structures resulted in the simultaneous abandonment of land and life, the severing of relations of kinship and the forced abdication of livelihoods. Moreover, this use of abandonment to describe the sale of children denotes the breakdown of categorical distinctions, and the complete reduction of life to commodity.

The rise of capitalism further intensifies this process. Arne de Boever (2009) points out that the adjective *vogelfrei*, which Marx repeatedly uses in *Capital* to describe this condition of the proletariat, reveals an important moment in the biopolitical history of abandonment. Until the end of the 15th century, *vogelfrei*—literally, free as a bird—denotes both freedom from feudalist servitude, and a condition of life stripped of legal protections or rights. From the 16th century onward, the latter becomes the most common use of the term, denoting a body that is ‘free for the birds to be eaten, since the body of an outlawed person could not be buried’ (Boever, 2009, page 264). Abandonment here is considered not just as the result of processes of exploitation and exposure to harm. What was produced during this prehistory of capital was a kind of life: split from the means of production, human life is stripped of the guarantees of the old feudal relations. All that remained was an extremely vulnerable kind of life that existed in between the dying feudalist and the emerging capitalist orders.

Historically and conceptually, abandonment in its modern form is rather more familiar to social scholars, and the seminal *The Condition of the Working Class in England* presents an urtext of these processes. Engels famously describes how England’s industrial landscapes are haunted by abandonment as a direct consequence of the capitalist reorganisation of society and space, but also remains attentive to the multitude of forms abandonment takes: He points to the abandonment of farms by weaving peasants, the abandoned fields which get incorporated into large farms, the historical districts and homes abandoned and lying in ruins in the shadow of factories, and the deserted evening school originally intended for children working in the factories. Abandonment is intimately tied to the breakdown of social infrastructures, traditional vocations and pre-modern property ownership. It is also an explicitly somatic experience in his description of the illnesses and disabilities suffered by those subjected to these conditions; in these moments “the brutality with which society abandons its members, just when their need is greatest, comes out fully into the light of day”

(Engels 1969, page 73). Engels is at once nuanced in identifying the multiple appearances of abandonment and explicit in his direct use of the term.

Despite this, Western philosophical and social-scientific corpus has largely approached abandonment indirectly, even if we consider occasional allusions to its metaphysical status and impact on the human condition in the face of modernity. The notion of a 'hidden God' and the fallen state of Man was a key theological and philosophical challenge for Judeo-Christian theism. Parallel motifs also appear in the work of Nietzsche (nihilism), Heidegger (*Seinsverlassenheit*) and Sartre (*délaissement*), each harnessing this existential state of forsakenness and dread to present philosophies of being in a world that is neither fully ordered nor intelligible. These articulations certainly provide some insights into the framing of abandonment as a *condition of being*, but move away from the key concern here with its role as an active *socio-political function*.

This is not to dismiss the significance of these earlier philosophical reflections for the emergence of the highly influential juridico-political genealogy of abandonment. The work of Jean-Luc Nancy, which had immense impact on the evolution of this genealogy, explicitly roots itself in Heidegger and Nietzsche's philosophy of being, but invokes a legal-political origin not previously accounted for (see Pryor 2004, n. 8). Nancy notes that abandonment contains the semantic unit *bandon*, which is "an order, a prescription, a decree, a permission, and the power that holds these freely at its disposal" (Nancy 1993, page 44). In this context, the ban is understood as a general proclamation of the sovereign, rather than an outright prohibition. Abandonment, therefore, is an act that delivers over to the sovereign ban, and as such, always exists under the sovereign law: "One always abandons to law" (ibid.). This etymologically-attentive theorisation made a deep intellectual mark, primarily on the

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3 evolution of critical work into biopolitical articulations of sovereignty and conditions of
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5 exception.
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8 Perhaps the most influential application of abandonment in its more explicit political guise is
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10 found in Giorgio Agamben's work. Like Nancy, Agamben identifies a juridico-political core
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12 in the condition of abandonment, and correlates it to the structural relation of exception. Both
13
14 abandonment and exception assume a subject that is exposed to the force of law through the
15
16 law's withdrawal. Importantly, abandonment for Agamben is not equivalent to exclusion. As
17
18 Pratt importantly notes, "abandonment has a more complex topological relation of being
19
20 neither inside nor outside the juridical order. The difference between exclusion and
21
22 abandonment turns on the fact that abandonment is an active, relational process. The one who
23
24 is abandoned remains in a relationship with sovereign power: included through exclusion"
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26 (Pratt 2005, page 1054). The state of biopolitical abandonment strips away all protections and
27
28 leaves life that is irremediably exposed to death. This is also the ultimate integration of
29
30 sovereign power and biopower. As Agamben states, "Not simple natural life, but life exposed
31
32 to death (bare life or sacred life) is the originary political element" (Agamben 1998, page 88).
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34 Situating this formulation as part of a rich philosophical lineage, Mills points to the way
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36 Agamben conceptualization diverges from Nancy's initial framework. Rather than submit to
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38 Nancy's conclusion that that "abandonment's only law... is to be without return and without
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40 recourse" (1993, page 47), Agamben seeks a radical break from this nihilism toward a new
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42 'form-of-life' through the Messianic horizons in the work of Walter Benjamin and Gershom
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44 Sholem (see Mills 2004, pages 51–52). Inevitably condensed, these rich theoretical
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46 trajectories place *life* as the pivotal target of abandonment. Agamben's assertion that "Human
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48 life is politicized only through an abandonment to an unconditional power of death" (1998:
49
50 90) starkly demonstrates the critical function of abandonment in constituting life and shaping
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52 the juridico-political dynamic to which it is subjected.
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Though Agamben is primarily concerned with juridico-political structures of sovereign power, biopolitical abandonment and the bare lives it produces are not placeless. As the quintessential site of sovereign exception—"the pure, absolute and impassable biopolitical space"—the camp presents the materialization and embodied realization of Agamben's theory (Agamben 1998, page 123; see also Minca 2007). The potential of harnessing the spatialization of biopolitical abandonment clearly resonates in the work of other scholars. A myriad of "zones of social abandonment" (Biehl 2005, page 2) expanded the initial spatialization of abandonment, revealing late-modernity's 'dump' sites for the ill and the impoverished. Social abandonment assumed a range of scales, from dementia sufferers in American streets and the domestic spaces in India (Marrow and Luhrmann, 2012) to the negligence and criminalization experienced by communities in India-Bangladesh border enclaves (Shewly, 2013), where social abandonment appears simultaneously as a bio-, socio- and geo-political product. These sites often adhere to a particular materiality and infrastructural forms (Selmeczi, 2010) though at their core is the precarity of abandoned life.

These spatialisations have become the quintessential forms of contemporary biopolitical abandonment, foregrounding the simultaneity of law and matter, lives and objects. I would argue however, that despite its long conceptual history, multidisciplinary resonance and obvious political stakes, two elements remain unresolved in the existing corpus on abandonment.

The first regards the terrains of power and potential for political agency implied in contemporary debates that utilize the conceptual power of abandonment. Borrowing Athena Athanasiou's formulation, we could think of this problem by distinguishing between abandonment as "being" and abandonment as "becoming" or "being made" (Butler and Athanasiou 2013, pages 5–6). "Being abandoned" relates to an almost primordial,

foundational condition in the constitution of the subject, while “becoming abandoned” assumes an ensuing, derivative process of deprivation, abdication and exposure. In its extreme biopolitical articulations of genocidal racism and more recent forms of regularized state-sanctioned violence, abandonment is predominantly seen as the exclusive result of sovereign agency; this biopolitical condition of being abandoned designates life stripped of political status and left bare—a highly problematic supposition that has become a familiar critique of Agamben’s theorization (cf. Papastergiadis, 2006; Puggioni, 2006). I would argue, conversely, that a critical consideration of abandonment can offer a more diffuse terrain of power with a multiplicity of actors that maintains a degree of becoming, of fluidity and contingency.

The second problem with the conceptualization of abandonment regards its intimate relation to the politics of care. Throughout the long genealogy I outline above, abandonment repeatedly functions as a biopolitical instrument, inseparable from the technologies of care that evolved from Greco-Roman traditions to the logics of late-modern governmentality. However, in a recent intervention Maria Margaroni (2005) prompts us to consider a different articulation of abandonment that increasingly takes place outside the remit of pastoral care long understood as a core component of biopolitical power. Agamben’s formulation of a “pure relation of abandonment” (1998, page 51), she argues, finds its most urgent articulation when groups of women and men are exposed to banal forms of violence that “are not the product of a sovereign decision”, nor are they part of “a biopolitics focused on multiplying and fostering life” (Margaroni, 2005, page 36). How can we make sense of abandonment that has been stripped off its pastoral pretence, that actively adopts a radical disinterest in those exposed to its harm? Do we have a conceptual vocabulary to account for abandonment that is not exclusively tied to the sovereign ban nor does it serve the pastoral logic of biopolitical

power? The following seeks a more nuanced framework of abandonment that brings us closer to addressing these challenges.

***Hefker*: toward another genealogy**

In Jewish jurisprudence, the category of abandonment—*hefker* [הפקר] in Hebrew—is related to a genealogical trajectory with particular social and affective contingencies that rarely feature in more widely-cited political-theological scholarship. Though the term *hefker* does not appear in the Bible, its origins are often traced back to the biblical ban (*herem*) and the expropriatory powers of political leadership. Smith defines the Biblical ban as ‘devotion to utter destruction’:

The ban is a form of devotion to the deity, and so the word “to ban” is sometimes rendered “consecrate” (Micah 4:13) or “devote” (Lev. 27: 28ff). But in the oldest Hebrew times, it involved the utter destruction, not only of the persons involved, but of their property...and only metals, after they had passed through the fire, were added to the treasure of the sanctuary. (Smith 1889, pages 434–435)

While also resulting in fundamental challenges to established forms of ownership, the Jewish notion of abandonment provides a more nuanced set of dynamics, not all destructive or externally imposed. The most common contemporary use of the term regards the designation of ownerless property, its legal status and the processes through which it can be repossessed (Albeck and Elon, 2007; Cohen, 1966). In Jewish jurisprudential literature, *hefker* is distinguished from two related concepts of abandonment. The first is *yeush*, which designates property that has been lost or taken away by violence, and whose owner has given up hope for its retrieval. In this case, abandonment is concerned with material possessions and confined to involuntary loss. The second is *hekdes*, or property abandoned through consecration and devotion to sacred possession or practice. Here, abandonment designates a particular form of exclusion from secular forms of economic exchange and circulation, but not a condition of forsakenness or the absence of ownership (Herzog, 1936). In its

motivations and applications, *hefker* stands out as a particular form of abandonment that possesses, I would argue, important critical insights. The religious-jurisprudential debates of the term range widely, but share an underlying concern with the social ordering of the material world, or more precisely, with spaces, bodies and objects that disrupt normative categories of ownership, possession, protection and tenure.

The absence of *hefker* from biblical sources and its relatively late emergence in the literature of the 2nd century is politically significant. After the destruction of the Jewish temple in 70AD, organised sacrifice was no longer available as an expression of religious dedication. It is at this point that acts of individual, deliberate abandonment—of land, property or goods—begin to appear. In the absence of Jewish political sovereignty, this wilful ceding of ownership rights and their designation as divine property becomes a radical act that redrew the boundary between terrestrial and divine space. The anarchic dimension of this form of abandonment was not lost on the Jewish and Roman elites. Both understood how it potentially evades religious hierarchies and subverts legal frameworks of ownership, tenure and therefore taxation (Urbach, 1979). From its first appearance as a distinct concept, *hefker* designates a deliberate, active form of abandonment (as opposed to passive forms like neglect) and is mobilized in the service of a particular political rationale, though importantly, not one that is solely confined to a domain of utility and value.

Yet another application defines the powers held by the Rabbinical Jewish court (*Beit Din*) to inflict quasi-criminal sanctions (confiscation, expropriation and forfeiture of property), even when such acts directly contravene stipulations set out in the Torah, the urtext of the Jewish legal order (Elon and Kaplan, 2007; Kirschenbaum and Trafimow, 1990). This juridical intervention is known in Hebrew as *hefker beit din*. Several Jewish legal debates address this issue: one discusses the status of a slave whose owner dies and can only be freed by an

extraordinary court intervention, while in another the court determined the fate of the inheritance of an underage married girl, ruling in favour of the husband and importantly, against the biblical text that sides with the father. What may seem to a contemporary reader as parochial debates over the technicalities of expropriatory powers, are crucial because they bear on the deeper concern over jurisprudential authority (Cohen, 1965; Radzyner, 2000). The category of *hefker* legally formalizes the earthly law-making power, a stance that would otherwise constitutes a radical transgression against traditional hierarchies and theological orders. The question of agency is essential to this debate, and is situated squarely in realm of human action rather than divine power.

The allusion to *hefker* also appears in more intimate realms of vulnerability and kinship, designating protections for children or women in cases of marriage and death. In an important Talmudic debate, for example, the notion of *hefker* is applied to the right of an under-aged orphan girl to refuse marriage (Cohen, 1966; Shemesh and Halbertal, 2014). This debate directly grapples with the legal and social protections vulnerable individuals are entitled to by the court and the community. As Halbertal and Shemesh note in their analysis of marriage refusal, the notion of *hefker* in this case does not reduce the body of the girl to an ownerless property, but rather highlights the potential vulnerability of an individual who finds herself stripped of legal status. In so doing, the use of *hefker* extends beyond the abdication of property ownership, to corporeal and gendered foundations of social-legal subjectivity. The official recognition of *hefker* as a threat to an individual's fundamental autonomy is part of a broader effort to challenge the patriarchal hierarchy that reduces (specifically gendered) lives to objects of property (Shemesh and Halbertal, 2014, page 391).

However, one other Talmudic debate of abandonment is worth noting, not because of its rather humble subject matter, but because it highlights a deeper quality that sets *hefker* apart

from other conceptualizations of abandonment. This case dealt with the legitimacy of setting conditions to abandonment, as in designating abandoned property for the sole benefit of the poor (*Jerusalem Talmud*, Tractate Peah 6:a). One school of thought argues that these conditions are valid, making abandonment similar to other forms of charity that have prescribed beneficiaries. The argument against conditional abandonment takes the more radical stance, claiming that *hefker* attains its essential meaning only when all interests, material or symbolic, are fully severed. In this case, therefore, the future uses of abandoned property cannot be designated for the limited use of a particular individual or group.

This latter position has profound implications: the demand for a radical disinterest means that *hefker* contains forms of abandonment that exist beyond biopolitical calculations of value and utility. As such, it proposes a radical redefinition of abandonment as a *comprehensive abdication of care*, and constitutes a significant break from the long history that links abandonment to biopolitics. If care is at the heart of biopolitical abandonment—from its early articulation in Greco-Roman eugenics and its role in modern genocidal racism, to its market-driven forms in late liberalism—this Talmudic debate on *hefker* prompts us to consider abandonment without care. To be clear, this is not carelessness in the form of unintentional neglect or erroneous action; *hefker* is deliberate and therefore invites a critical interrogation of the political rationale that guides it and the particular forms of harm it produces.

One more distinction is worth making. Sovereign abandonment—the production of bear life—also emerges out of withdrawal of protections and an exposure to harm. But this does not equate to the radical carelessness implied in *hefker*; sovereignty has too much is at stake in the figure of *homo sacer* to allow such radical disinterest. In this regard, Agamben is unequivocal: “*sacer esto* is not the formula of a religious curse sanctioning the *unheimlich*, or the simultaneously august and vile character of a thing: it is instead the originary political

formulation of the imposition of the sovereign bond” (Agamben 1998, page 85). The sphere of abandonment entails exposure to harm, but its foundational role remains the formation of the state, the social structure and the sovereign relation (ibid, page 90). In this logic, abandonment retains an invaluable, constitutive role, rather than a function of indifference. *Hefker* doesn’t extract abandonment from political logics, but considers a broader scope in which it can appear beyond strict confines of the sovereign relation, shifting attention to a myriad of mundane appearances, materialities, infrastructures and embodied forms.

The genealogy of *hefker* is neither homogeneous nor static. Its intersections with other material economies, webs of social responsibilities and complex jurisprudential hierarchies make a single, solid definition nearly impossible. Yet this plurality also establishes the broad critical potential of *hefker*, not as a standalone concept, but as a complementary genealogy that has the potential to engage with more prevalent conceptualizations of abandonment. In the section that follows, I put this conceptual framework into practice, grounding it in the political urgencies of the present.

The abandoned present

On May 28, 2008, Omar Abu Jariban, a 35-year-old Palestinian who lives in the Gaza Strip city of Rafah and who illegally entered Israel, was seriously injured in an accident while riding with a friend in a stolen car. He was diagnosed with neurological head injuries, internal bleeding and multiple bone fractures and was hospitalized in the Sheba Medical Center, near Tel Aviv. While in hospital, he also suffered from pneumonia.

Two weeks after the accident, Abu Jariban was prematurely discharged from the hospital, into the custody of Rehovot police officers – barefoot, with a urinary catheter still in place, still using adult diapers, in need of further medical care and rehabilitation and appearing

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3 confused. Abu Jariban was registered as anonymous in hospital records and the cost of his
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5 care was charged to the hospital itself. This partly explains the hospital's eagerness to transfer
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7 him prematurely into police custody. As the Rehovot police station commander told an
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9 Investigating Officer, "the hospital only sought to vacate the bed" (Levinson, 2012a).
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13 Unable to walk, Abu Jariban was wheeled into the police station on an office chair. When
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15 later that day the Israel Prison Service hospital said it had no room for him, it was decided
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17 that he would be driven to the West Bank. Two officers held his arms and pushed him into
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19 the back of a police car, while a third folded his legs in. En route, they stopped at another
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21 police station, but the electronic identification database was inoperative. The policemen
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23 drove to a West Bank military checkpoint, but the commanding officer refused to take
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25 responsibility for Abu Jariban. The same scenario repeated itself at another checkpoint north
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27 of Jerusalem.
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32 At 2:50 a.m. Abu Jariban was taken out of the car on Highway 45, between the Ofer army
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34 base and the Atarot crossing point. One of the police officers subsequently testified:
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36 "Together with the volunteer, we took the detainee out of the car and placed him behind the
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38 safety railing so that he wouldn't be hurt. He wasn't removed very far from the road – he was
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40 left in a place where he would be able to hitch-hike a lift. We made a report and then drove
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42 off." The police investigator asked him to clarify his reasoning about the suspect's ability to
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44 get a lift on a speedy highway. The officer replied: "I expected that cars would stop at the
45
46 side of the road, that someone would take him in and give him a ride. All told, he is one of
47
48 their people and the Arabs are known for their solidarity" (Levinson, 2012a).
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53 The policemen apparently did not know that Palestinian vehicles were blocked from
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55 travelling on this road. Abu Jariban was left to his own devices, wearing his hospital gown
56
57 and with the discharge papers in his pocket. The catheter was still with him. He was barefoot.
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3 The policemen left neither food nor drink with him; they reported back that they had
4 completed the mission. Two days later, on Sunday morning, June 15, 2008, a pedestrian
5 discovered Abu Jariban's body. He had died of dehydration.
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11 Only two police officers, of the dozens who came into contact with him, were charged and
12 convicted with negligent homicide. Jerusalem District Court Justice Yoram Noam concluded
13 in his sentencing that "The appellants' negligent behaviour ... undermined basic and
14 universal human and moral values, when they abandoned him [Abu Jariban] to his destiny in
15 the dark of night". For this act, the two were sentenced to twenty one months in prison.¹
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21 Numerous events took place from Abu Jariban's accident to that moment in "the dark of
22 night". Yet for the court, abandonment occurred only at the very final act of leaving Abu
23 Jariban on the side of a West Bank road. Abandonment was assigned a singular time and
24 space. But the abdication of responsibility and exposure to harm began long before that, in
25 the banality of administrative misregistration and premature discharge at the hospital. Dozens
26 of people—medical staff, police officers and soldiers—came in contact with Abu Jariban, and
27 none interpreted his suffering as urgent enough to prompt action. Furthermore, the damage to
28 Abu Jariban's body had an unmistakable materiality, from the absent slippers, the office chair
29 used to wheel him into the police station to the safety railing he was hauled over. The
30 infrastructure of roads and network of checkpoints, their convoluted organization and
31 differentiated legal administration—a microcosm in the occupation's mobility regime—were
32 as implicated in the structure of abandonment as the legal-political status of a Palestinian
33 non-citizen under an occupation regime (Azoulay, 2005).
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52 Rather than narrowing it to an act perpetrated or suffered, I want to use the multifaceted
53 qualities of *hefker* to rethink Abu Jariban's abandonment—and abandonment more broadly—
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57 ¹ "Criminal Appeal 272 44-08-12 Baruch Peretz & Asaf Yekutieli vs. Israel Police Internal Investigation
58 Department" Jerusalem District Court, 2014.
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60

as a complex political technology, or, to use Michel Foucault’s term, as an ‘apparatus’ (*dispositif*). One of Foucault’s most illuminating elaborations of the term appears in his 1977 interview “The Confession of the Flesh”, in which he points to apparatus as a structure and a genesis. As a structure, Foucault identifies the apparatus as “a thoroughly heterogeneous ensemble consisting of discourses, institutions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions – in short, the said as much as the unsaid” (1988, page 194). By ‘genesis’, Foucault refers to the “shifts of position and modifications of function” of these elements, and to the strategic function of the apparatus as a response to an “*urgent need*” at a given historical moment (1988, page 185, emphasis in the original). This formulation is both rich and dynamic: it accounts for the multiple components and forces that constitute the apparatus, for the constant change in their inner relations, as well as the broader relation between the apparatus and the socio-political context in which it exists. In returning to Foucault’s formulation of the apparatus (*dispositif*), I want to illuminate dynamism and transformative potentiality of abandonment, and through this, expose a different terrain of abandonment that is ordinary, cruddy and chronic, rather than solely catastrophic, crisis-laden and sublime.

A well-established corpus documented the interrelated apparatuses that have taken part in the institutionalization of the Israeli regime in the occupied Palestinian territories (c.f. Gordon, 2008; Zertal and Eldar, 2007). Abandonment, in this corpus, appears primarily as a by-product of biopolitical governmentality and a pivotal feature of the Israeli occupation regime after the Second Intifada in 2000 (Azoulay and Ophir, 2013; Ophir et al., 2009). Theoretically, it is understood almost exclusively through an Agambenian prism as a condition that results in the production of an entirely abandoned population of *homines sacri*, though there is critique of the way this prism implies a passivity of the subjected population and whether the exception is indeed as prominent in the political rationale of this regime.

Yet abandonment, I would argue, is no longer just a feature or an outcome of this regime's apparatuses. Instead, it has morphed into an organizing principle for a whole set of practices, mechanisms and procedures, structuring discursive and physical environments. In short, it has become an apparatus. This shift is indicative of a broader normalization of abandonment as part of contemporary modalities of the catastrophic state. As Adi Ophir importantly points out, "For the providential state formation, the abandonment of a designated population is always an aberration of the system; for the catastrophic state formation, it is the fundamental rule upon which the system rests" (2007, page 136). Along with destruction and exclusion, abandonment is conceived here as a disaster-producing apparatus that is employed and administered by the catastrophic state. Contrary to the spectacular violence that was responsible for the spread of disasters in pre-modern times—plagues, floods, genocidal wars—abandonment produces disasters through absence, by the catastrophic state's systematic withdrawal of care and renunciation of obligations toward a population under its governance. As such, it is often highly elusive yet also more pervasive: it appears in a broader array of political configurations and is not confined solely to the most obvious and extreme cases of the twentieth-century totalitarian state.

As an apparatus of the catastrophic state, abandonment has mostly been seen as a political mechanism for the administration of life itself (Adey and Anderson, 2011; Peteet, 2011). But Ophir's precise definition adds an important dimension to the nature of abandonment in this state formation: "the body and living conditions of any individual or of many at once may be hurt, damaged, or destroyed altogether without changing anything in the state's *modus operandi*" (Ophir, 2007, page 123). Abandonment is not confined solely to its direct impact on human biological life but to "living conditions", drawing our attention to a whole range of inanimate geographies, networks of circulation and exchange, structures and infrastructures. In this form, the apparatus of abandonment increasingly resembles Foucault's idea of "a

thoroughly heterogeneous ensemble”. Our critical challenge, therefore, lies in the ability to shed light on these heterogeneities in the political present.

Ophir’s conceptualization of the catastrophic state also entails an important analytical caveat that ought to be considered for the conceptual approach proposed here. Agamben’s assumption that abandonment is the *sine qua non* of political sovereignty also assumes that its “activation, which was formerly applied to exceptional individuals, applies to very large groups and is witnessed everywhere” (2007, page 141). This, Ophir argues, risks obscuring the contingent state ideologies and historical processes that put it into action.² The analytical harnessing of *hefker* to rethink abandonment as a catastrophic apparatus is susceptible to similar pitfalls, primarily if it assumes a totalizing application that flattens the variations and contingencies of its appearance in time and space. To avoid this, *hefker* cannot be considered in the abstract. What I describe earlier as the everyday, cruddy and chronic appearance of abandonment emerges out of the actualization of the apparatus—its impact on bodies, spaces and objects, not just its design and motivating ideologies. A theory of abandonment cannot lose sight of the actualities of harm and damage, the processes through which they are experienced and inflicted.

In this sense, the abandonment of Omar Abu Jariban’s captures the contemporary moment of the catastrophic state, not only as a condition of overwhelming death tolls and expansive material destruction, but as a systemic abdication of responsibilities that percolates into micro scales of bureaucracy, mundane materialities and spaces on the side of the road. Too often, these elements fall outside the juridico-political purview of abandonment in its sovereign

² There are potential parallels that can be drawn between the concept of the catastrophic state and other concepts. Beck’s “second modernity” (Beck and Grande, 2010; Beck and Lau, 2005) seeks to account for the production of risks and their normalization, but this approach is epochal while Ophir emphasizes specific political rationales and contingent formations of governance. Neither is abandonment in its catastrophic guise simply a consequence of the elusive “new normal”, an era of economic stagnation and proliferation of risk. Catastrophic state abandonment is significant exactly because it is activated as a state instrument rather than a phenomenon the state experiences.

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2
3 guise. Conversely, *hefker* is explicitly concerned with mundane processes of abandonment,
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5 the spatialities and temporalities that enable its normalisation. The debates around crop
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7 abandonment in the Sabbath year (*Shemittah*) or the right to gift and receive abandoned foods
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9 (*Babylonian Talmud*: Tractate Nedarim, 43:a) may seem obsolete, but methodologically and
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11 conceptually they prompt a consideration of abandonment at a wide range of registers.
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13 Bluntly illustrating this, the testimonies of those who came in contact with Abu Jariban reveal
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15 an utterly material and somatic experience. When asked how he discharged a patient
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17 barefoot, the physician who signed the hospital release documents said, “I don’t have a stock
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19 of slippers” (Idan, 2012). In court, one of the three police officers who drove Abu Jariban to
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21 the West Bank offered a more illuminating explanation: “My eyes are not your eyes. I dealt
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23 with migrant workers, the poorest. We used to take Africans with their smell all barefoot. To
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25 me it doesn’t scream out that he’s barefoot and wearing a pyjama. I was apathetic” (quoted in
26
27 Levinson, 2012b). Through the prism of *hefker*, slippers and odours are brought to the
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29 analytical fore as active components in the apparatus of abandonment. Within this apparatus,
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31 the mundane and the cruddy are not disconnected from or secondary to political rational and
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33 sovereign logic. Instead, the apparatus of *hefker* prompts us to explore how they play an
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35 integral and vital role in the constitution, maintenance and perpetuation of this logic.
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42 As a whole, this case exposes several important issues regarding the nature of abandonment
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44 in the political present. First, these testimonies reveal abandonment in its extreme, bare form.
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46 As the opening section of this paper discusses at length, the history of abandonment is also a
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48 history of bio-power’s preoccupation with the provision of care, the utilitarian concern for the
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50 wellbeing of a population. Yet what is exposed here is form of abandonment that no longer
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52 holds any pretence of care nor can it be simply be explained as an unintentional error or
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54 oversight: the witnesses’ statements rationalize and justify to the act of abandonment, even
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56 when these are utterly banal and mundane. It is certainly possible to identify instances in the
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sequence of events that led to Abu Jariban’s death that display neoliberal biopolitics in its most obvious form- his premature discharge from the hospital due to the unrecoverable cost of treatment being one obvious example. Yet we still face the challenge—politically and conceptually—to identify a vocabulary of abandonment that can illuminate instances and processes that fall beyond the logics of care or sovereign exception. As we have seen, one of the important debates on *hefker* addressed exactly the potential of dissociating abandonment from care, or more precisely, insisted that the abdication of care can be a core element in the production of abandonment. The breadth and nuance of *hefker* thus exposes the limits of our current theoretical vocabulary, and offers a wider analytical spectrum to address the increasingly pervasive phenomena of banal death (Margaroni, 2005).

Second, though Abu Jariban’s abandonment is deeply rooted in the late-modern articulations of the catastrophic state—bureaucratic, banal and endemically indifferent—the much earlier Talmudic notion of *hefker* offers an important insight into a spatial logic governing abandonment. As noted above, an under-aged orphan girl who refuses marriage finds herself abandoned because her refusal potentially places her in a socio-legal realm where legal protections afforded under the normative patriarchal order no longer apply. In more explicit terms, her corporeal precarity results from the fact that she is no longer the property of her father, nor the property of the man to whom she is engaged. Abandonment here is not the absence of agency; the refusing girl’s precarity arises exactly because she asserts her agency and claims a right of a legal subject. Instead, abandonment results from a profound inability to value her agency as a subject in a system that governs her as an object. *Hefker* calls attention to these precarious spaces between the governance of bodies and management of objects, a space that voids both systems. The harm potentially inflicted in this space of abandonment is not beyond the law, but rather, its victim has lost her standing for redress.

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3 For the Talmudic court, the loss of agency was a lacuna that required intense debate and
4 resolution; in the catastrophic state, this space of *hefker* has been regularized and
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7 systematized into an apparatus, inseparable from and indicative of the state's system of rule.
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10 This is partly why Abu Jariban's narrative of abandonment is so revealing, as it travels
11
12 through a wide array of institutions, infrastructures and involves numerous agents and
13
14 interests, none of whom were willing to recognize his suffering let alone value his position as
15
16 a subject worthy of protection.
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20 The regularization of this space of abandonment has far reaching implications. If *hefker*
21
22 appeared as a problem for the Jewish court, it was because there was an event that could be
23
24 identified and responded to. Several recent engagements highlight the event's aberrative
25
26 nature as a sudden irruption or disruption, but one that is nevertheless an identifiable
27
28 occurrence and can be handled within a set of anticipatory protocols (Adey and Anderson,
29
30 2011; Amoore and De Goede, 2008; Masumi, 2009). As Anderson and Adey argue, a core
31
32 concern here is with "a specific problematisation of events and life: events may emerge
33
34 unexpectedly from, and may be amplified across, the circulations and interdependencies that
35
36 make up life" (Anderson and Adey, 2012, page 25; see also Dillon, 2007), which in turn open
37
38 up a specific field of action. Abu Jariban's abandonment never seems to register as an event
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40 in this sense, first and foremost because it is a sequence of *inaction*, where the gradual
41
42 reduction of life to its elemental features is a matter of fact rather than a disruption that calls
43
44 for response. This systematized apathy that turns abandonment into a non-event also reveals
45
46 the political limitation of *hefker*, which provides an effective analytical tool for identifying
47
48 the dynamics and multifaceted nature of contemporary abandonment, but the social and legal
49
50 protections it puts in place seem farfetched in the political configurations of the catastrophic
51
52 state. In fact, Abu Jariban's fate was left solely to what Latin sources called *aliena*
53
54 *misericordia*, "the kindness of strangers" who found the abandoned and tended to them.
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The political present is comprised of a myriad of petty acts of abandonment, which often never register as spectacular or explicitly violent. Like all the components that preceded Abu Jariban’s death, these petty acts are bureaucratic, infrastructural, banal in their materiality, and generated through inaction, delay and indifference, as much as through deliberate deeds. The abandoned present is not totalizing or omnipresent, but when it appears, it implicates multiple actors, institutions and materialities, making it simultaneously elusive and pervasive.

Conclusion

The vocabulary of abandonment draws on a long historical corpus. Admittedly, there is no obvious urtext to return to, and the articulations of abandonment—from Classical sources and the Talmudic debates of *hefker* to João Biehl’s descriptions of the zones of social abandonment—formulate a corpus that is, at best, historically and disciplinarily disjointed. Yet time and again, the multifaceted nature of abandonment rises to the surface. Furthermore, the political realities of late modernity and the “urgent needs” generated by the catastrophic modalities of the state make it impossible to ignore the critical intersection of life and the conditions of life in the contemporary moment of abandonment. These catastrophic modalities have normalized abandonment and systematized its function in a way that makes it pervasive, but also challenging as a coherent object of inquiry.

The genealogies I outlined in the first section of this paper reveal the depth of the archive of abandonment. Contemporary critical vocabulary seems to draw on a very narrow section of this archive, and much can be gained from a broader historical perspective on abandonment as a political instrument, a social challenge, a material assemblage as well as its more recent articulations as a catastrophic apparatus. Recognizing abandonment as a systemic political technology and not just an individual act or condition, must not obscure its banal forms and

mundane appearances. In this sense, the theoretical focus on sovereign abandonment is crucial but insufficient. The discussion of *hefker* I propose here illuminates both the intimate realms in which abandonment takes place and the radical appearance of abandonment stripped of any biopolitical concern for care.

Rethinking abandonment through the Jewish notion of *hefker* also opens the potential for active subjectivity, highlighting the agency of those who find themselves in the zones of abandonment. Abu Jariban's case discussed here is extreme in this regard, marking the edge of a broader continuum where agency can assert itself in different degrees and through different practices under conditions of abandonment. Like the act of refusal that stands at the heart of the gendered Talmudic *hefker*, abandoned individuals are not passive; this is true both in the process that leads to their exposure and in the consequent realities of life devoid of normative socio-legal protections. Filip de Boeck, for example, reminds us that "the space of the street and the time of the night, the two worlds to which abandoned children are relegated to, are perceived by many children not as sites of exclusion and social abandonment but, on the contrary, as spaces of possibility and promise, of empowerment, of play and diversion, and, above all, of freedom" (2009, page 142–143). In another, more explicitly geopolitical spatialization of catastrophic abandonment, Azoulay and Ophir (2013) record the transformation of Gaza since the Second Palestinian intifada: while not relinquishing its ultimate sovereign authority to take life, Israel has abdicated its responsibilities of care for those who remain subjected to its power (see also Amir, 2013). But, they add, "However apt the metaphor of *homo sacer*, one should not be misled into thinking of abandoned Palestinians as passive victims. As a policy, abandonment is a response to active, persistence and often painful Palestinian resistance, not a reflection of their passivity" (Azoulay and Ophir 2013: 168). Even fatal abandonment like Abu Jariban's continues to reverberate through its politicization and recognition as a collective, systemic "urgent need", i.e. the

different ways physical and corporeal destruction is appropriated, inhabited, circulated and reinvigorated.

As an initial effort to redraw the conceptual contours of abandonment, several critical aspects remain inconclusive: What gets lost once rich genealogies, with their deep roots in specific historical conditions and political contingencies, are fused into a single theory, even with its aspirations for expansiveness and heterogeneity? How do notions of value and devaluation, for example, which play a critical role in the dynamic of economic abandonment, concretely feature in the conceptualization presented here, with its socio-political emphasis? Similarly, additional attention needs to be given to the differential distribution of abandonment and the way uneven exposure is harnessed as a political technology of governance. And finally, initial empirical grounding of the abandoned present remains focused on the quintessential geographies of catastrophe—Gaza, New Orleans—when less obvious geographies open very different emancipatory potentialities (i.e., de Boeck’s discussion above).

Far from a comprehensive theory, what is proposed here is a conceptual starting point from which these and other questions can be addressed. At the very least, these initial contours will offer a more nuanced lens, one which challenges contemporary modalities of catastrophic governance, while still remaining attentive enough to account for a man left barefoot on the side of the road.

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